

**REMARKS / ARGUMENTS**

**A. Rejection under 35 U.S.C. §102**

The Examiner has rejected claims 1, 2, 4, 5, 7, 13, 14, 16, 17, 19, 25, 27, 28, 30, 31, 33 and 40 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,715,372 (hereinafter referred to as Meyers et al.). The Applicant respectfully traverses this rejection and submits that claims 1, 2, 4, 5, 7, 13, 14, 16, 17, 19, 25, 27, 28, 30, 31, 33 and 40 are neither anticipated nor rendered obvious by Meyers et al.

**Claim 1**

The Examiner's attention is directed to the following limitations of independent claim 1 (emphasis added):

- 1. A method for controlling an operative setting of a communications link, the communications link being capable of acquiring a plurality of operative settings, said method comprising:**
  - a) comparing audio quality in the communications link under different operative settings;**
  - b) selecting an operative setting at least in part on the basis of the comparing in a);**
  - c) sending a control signal to at least one component in the communications link to cause the communications link to attempt to acquire the selected setting.**

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the claimed invention. Without limiting the generality of the foregoing, the Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the above-emphasized limitations of independent claim 1.

Firstly, Meyers et al. does not disclose “a method for controlling an operative setting of a communications link”. Meyers et al. is directed to an apparatus for the “assessment of signal characteristics, such as signal quality, associated with subjective human analysis” (col. 1, lines 6-9). Meyers et al. has nothing to do whatsoever with the control of an operative setting. As such, the Applicant submits that Meyers et al. is completely unrelated to the problem sought to be solved by the claimed invention.

Secondly, Meyers et al. does not disclose a method for controlling an operative setting of a communications link comprising “a) comparing audio quality ... under different operative settings”. Meyers et al. describes a feature extraction system 20 which derives a feature set (a signal to noise ration) from an input signal, and an intelligent system 30 (a neural network that has been trained in the relationships between feature sets and signal characteristics) which generates an output signal for characterizing the input signal. However, there is nothing in Meyers et al. which teaches or suggests comparing audio quality under different operative settings. As such, this feature of claim 1 is completely absent from Meyers et al.

Thirdly, Meyers et al. does not disclose a method for controlling an operative setting of a communications link comprising “selecting an operative setting”. Meyers et al. describes a feature extraction system 20 which derives a feature set (a signal to noise ration) from an input signal, and an intelligent system 30 (a neural network that has been trained in the relationships between feature sets and signal characteristics) which generates an output signal for characterizing the input signal. However, there is nothing in Meyers et al. that teaches or suggests selecting an operative setting. As such, this feature of claim 1 is completely absent from Meyers et al.

Fourthly, Meyers et al. does not disclose a method for controlling an operative setting of a communications link comprising “sending a control signal to at least one component in the communications link to cause the communications link to attempt to acquire the

selected setting". As indicated above, Meyers et al. is completely unrelated to the control of an operative setting of a communications link.

In light of the foregoing, the Applicant respectfully submits that claim 1 is neither anticipated nor rendered obvious by Meyers et al. and as such, the Examiner is respectfully requested to withdraw the rejection of independent claim 1.

Claims 2, 4, 5 and 7

Claims 2, 4, 5 and 7 depend from claim 1 and therefore include by reference all the limitations of independent claim 1. As such, claims 2, 4, 5 and 7 are also believed to be in allowable form and the Examiner is respectfully requested to withdraw the rejection of claims 2, 4, 5 and 7.

Claim 13

The Examiner's attention is directed to the following limitations of independent claim 13 (emphasis added):

13. **An apparatus for controlling an operative setting of a communications link**, the communications link being capable of acquiring a plurality of operative settings, said apparatus comprising:
- a) an input for receiving data elements indicative of audio quality in the communications link under different operative settings;
  - b) a processing unit coupled to said input, said processing unit being operative for:
    - i) **comparing the data elements received at the input;**
    - ii) **selecting an operative setting at least in part on the basis of the comparing in i);**
    - iii) generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;

c) an output for **releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.**

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the subject matter of independent claim 13. Without limiting the generality of the foregoing, the Applicant respectfully submits that, for the same reasons as those set forth with respect to claim 1, Meyers et al. does not disclose, teach or suggest the above-emphasized limitations of independent claim 13.

In light of the foregoing, the Applicant respectfully submits that independent claim 13 distinguishes over the cited art, and as such is believed to be in condition for allowance.

Claims 14, 16, 17 and 19

Claims 14, 16, 17 and 19 depend from claim 13 and therefore include all the limitations of independent claim 13. As such, claims 14, 16, 17 and 19 are also believed to be in allowable form and the Examiner is respectfully requested to withdraw the rejection of claims 14, 16, 17 and 19.

Claim 25

The Examiner's attention is directed to the following limitations of independent claim 25 (emphasis added):

**25. An apparatus for controlling an operative setting of a communications link, the communications link being capable of acquiring two operative settings namely a bypass setting and an active setting, when in the bypass setting the communications link transmitting**

an audio signal substantially unaltered, when in the active setting the communications link transmitting an audio signal subsequent to at least one processing operation on the audio signal, said apparatus comprising:

- a) an input for receiving **data elements indicative of an effectiveness of the at least one processing operation on the audio signal;**
- b) a processing unit coupled to said input, said processing unit being operative for:
  - i). **selecting an operative setting at least in part on the basis of the data elements received at the input;**
  - ii) **generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;**
- c) an output for releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the subject matter of independent claim 25. Without limiting the generality of the foregoing, the Applicant respectfully submits that Meyers et al. does not disclose, teach or suggest the above-emphasized limitations of independent claim 25.

Firstly, Meyers et al. does not disclose “an apparatus for controlling an operative setting of a communications link”. As discussed above, Meyers et al. is directed to an apparatus for the “assessment of signal characteristics, such as signal quality, associated with subjective human analysis” (col. 1, lines 6-9). Meyers et al. has nothing to do whatsoever with the control of an operative setting. As such, the Applicant submits that Meyers et al. is completely unrelated to the problem sought to be solved by the claimed invention.

Secondly, Meyers et al. does not disclose an apparatus for controlling an operative setting of a communications link comprising “an input for receiving data elements indicative of an effectiveness of [an] at least one processing operation on [an] audio signal”. Meyers

et al. describes a feature extraction system 20 which derives a feature set from an input signal, and an intelligent system 30 which generates an output signal for characterizing the input signal. However, there is nothing in Meyers et al. that teaches or suggests an input for receiving data elements indicative of an effectiveness of at least one processing operation on an audio data signal. As such, this feature of claim 25 is completely absent from Meyer et al.

Thirdly, and as discussed above regarding claim 1, Meyers et al. does not disclose, teach or suggest “selecting an operative setting” for controlling an operative setting of a communications link. This feature of claim 25 is completely absent from Meyers et al.

Fourthly, Meyers et al. does not disclose an apparatus for controlling an operative setting of a communications link comprising “generating a control data element suitable for causing the communications link to attempt to acquire the selected setting”. As indicated above, Meyers et al. is completely unrelated to the control of an operative setting of a communications link.

In light of the foregoing, the Applicant respectfully submits that claim 25 is neither anticipated nor rendered obvious by Meyers et al. and as such, the Examiner is respectfully requested to withdraw the rejection of independent claim 25.

#### Claim 27

The Examiner’s attention is directed to the following limitations of independent claim 27 (emphasis added):

27. A computer readable medium comprising a program element suitable for execution by a computing apparatus for controlling an operative setting of a communications link, the communications link being capable of acquiring a plurality of operative settings, said computing apparatus comprising:

- a) a memory unit for storing the program element;
- b) a processor operatively coupled to said memory unit, said program element when executing on said processor being operative for implementing:
  - i) **an input for receiving data elements indicative of audio quality in the communications link under different operative settings;**
  - ii) **a processing unit for:**
    - (1) comparing the data elements received at the input;
    - (2) **selecting an operative setting at least in part on the basis of the comparing in (1);**
    - (3) **generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;**
  - iii) an output for releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.

The Applicant respectfully submit that the reference cited by the Examiner does not disclose, teach or suggest the subject matter of independent claim 27. Without limiting the generality of the foregoing, the Applicant respectfully submits that, for the same reasons as those set forth with respect to claim 25, Meyers et al. does not disclose, teach or suggest the above-emphasized limitations of independent claim 27.

In light of the foregoing, the Applicant respectfully submits that independent claim 27 distinguishes over the cited art, and as such is believed to be in condition for allowance.

Claims 28, 30, 31 and 33

Claims 28, 30, 31 and 33 depend from claim 27 and therefore include all the limitations of independent claim 27. As such, claims 28, 30, 31 and 33 are also believed to be in

allowable form and the Examiner is respectfully requested to withdraw the rejection of claims 28, 30, 31 and 33.

Claim 40

The Examiner's attention is directed to the following limitations of independent claim 40 (emphasis added):

40. An apparatus for controlling an operative setting of a communications link, the communications link being capable of acquiring a plurality of operative settings, said apparatus comprising:
- a) **means for receiving data elements indicative of audio quality in the communications link under different operative settings;**
  - b) processing means operative for:
    - i) comparing the data elements received;
    - ii) **selecting an operative setting at least in part on the basis of the comparing in i);**
    - iii) **generating a control data element suitable for causing the communications link to attempt to acquire the selected setting;**
  - c) means for releasing a control signal indicative of the control data element to at least one component in the communications link for causing the communications link to attempt to acquire the selected setting.

The Applicant respectfully submits that the reference cited by the Examiner does not disclose, teach or suggest the subject matter of independent claim 40. Without limiting the generality of the foregoing, the Applicant respectfully submits that, for the same reasons as those set forth with respect to claim 25, Meyers et al. do not disclose, teach or suggest the above-emphasized limitations of independent claim 40.

In light of the foregoing, the Applicant respectfully submits that independent claim 40



distinguishes over the cited art, and as such is believed to be in condition for allowance.

**B. Rejection under 35 U.S.C. §103**

The Examiner has rejected claims 3, 6, 8, 15, 18, 20, 26, 29, 32 and 34 under 35 U.S.C. §103(a) as being obvious over Meyers et al. The Examiner has further rejected claims 9, 21, 35 and 39 under 35 U.S.C. §103(a) as being obvious over Meyers et al. in view of United States Patent No. 5,768,308 (hereinafter referred to as Pon et al.). The Examiner has also rejected claims 10-12, 22-24 and 36-38 under 35 U.S.C. §103(a) as being obvious over Meyers et al. in view of Pon et al. and in further view of United States Patent No. 6,466,548 (hereinafter referred to as Fitzgerald). The Applicant respectfully traverses this rejection and submits that claims 3, 6, 8-12, 15, 18, 20-24, 26, 29, 32 and 34-39 are not rendered obvious by the cited documents and are in allowable form.

Claims 3, 6, 8, 15, 18, 20, 26, 29, 32 and 34

Claims 3, 6, 8, 15, 18, 20, 26, 29, 32 and 34 each depend from one of claims 1, 13, 25 and 27 and therefore include all the features of one of those independent claims, including those features already found to be missing from Meyers et al.

According to MPEP 706.02(j), in order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations". As such, it is respectfully submitted that the Examiner has not presented a *prima facie* case of obviousness in accordance with MPEP 706.02(j) since Meyers et al. does not teach all of the limitations of the above-identified claims. Thus, it is respectfully requested that Examiner withdraw the rejection of claims 3, 6, 8, 15, 18, 20, 26, 29, 32 and 34. If the Examiner wishes to maintain the current rejection, then further detail regarding the rejection is respectfully requested.

Claims 9, 21, 35 and 39

Claims 9, 21 and 35 each depend from claims 1, 13 and 27, respectively, and therefore include all the features of those independent claims, including those limitations which have already found to be missing from Meyers et al. It is respectfully submitted that the Examiner has not shown that Pon et al. discloses teaches or suggests the above-noted features of claims 1, 13 and 27.

With regard to claim 39, the Examiner's attention is directed to the following limitations of independent claim 39 (emphasis added):

39. An apparatus for selectively enabling tandem-free operation of a communications link, the communications link comprising at least one functional stage operative to implement at least one processing operation on an audio signal, during tandem-free operation said at least one functional stage being disabled, said apparatus comprising:
- a) an input for receiving **data elements indicative of an effectiveness of the at least one processing operation on the audio signal;**
  - b) **a processing unit coupled to said input, said processing unit being operative for processing the data element to generate a control data element suitable for causing the communications link to selectively enable tandem-free operation of the communications link;**
  - c) an output for releasing a control signal indicative of the control data element to the at least one functional stage in the communications link for selectively enabling tandem-free operation.

The Applicant respectfully submits that the references cited by the Examiner do not disclose, teach or suggest the subject matter of independent claim 39. Without limiting the generality of the foregoing, the Applicant respectfully submits that neither Meyers et al. nor Pon et al. disclose, teach or suggest the above-emphasized limitations of independent claim 39.

More specifically, Meyers et al. does not disclose “processing the data element to generate a control data element suitable for causing the communications link to selectively enable tandem-free operation of the communications link;”. Meyers et al. is directed to an apparatus for the “assessment of signal characteristics, such as signal quality, associated with subjective human analysis” (col. 1, lines 6-9). Meyers et al. has nothing to do whatsoever with enabling tandem-free operation. As such, the applicant submits that Meyers et al. is completely unrelated to the problem sought to be solved by the claimed invention. It is also respectfully submitted that the Examiner has not shown that Pon et al. discloses teaches or suggests the above-noted features of claims 1, 13 and 27.

Since neither of these references teaches the above-emphasized limitations, it is respectfully submitted that the Examiner has not presented a *prima facie* case of obviousness in accordance with MPEP 706.02(j). Thus, the Examiner is respectfully requested to withdraw the rejection of claims 9, 21, 35 and 39.

Claims 10-12, 22-24 and 36-38

Claims 10-12, 22-24 and 36-38 depend from claims 1, 13 and 27, respectively, and therefore include all the features of those claims, including those already found to be missing from Meyers et al. and which have not been shown to be present in Pon et al. It is also respectfully submitted that these features are also missing from Fitzgerald and that there is nothing in Fitzgerald that would have led one skilled in the art at the time of invention to the subject matter of claims 1, 13 and 27, or, by extension, claims 10-12, 22-24 and 36-38.

As such, it is respectfully submitted that the Examiner has not presented a *prima facie* case of obviousness in accordance with MPEP 706.02(j). Thus, it is respectfully submitted that claims 10-12, 22-24 and 36-38 are in allowable form and the Examiner is respectfully requested to withdraw the rejection of claims 10-12, 22-24 and 36-38.

**CONCLUSION**

In view of the above, it is submitted that claims 1-40 are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-40 at an early date is earnestly solicited.

If the application is not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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